HON'BLE SRI JUSTICE D.S.R. VARMA
AND
HON'BLE SRI JUSTICE D. APPA RAO

W.P.NO. 13781 OF 2007

DATED: 27.7.2007

Between:

Bathula Venkateswarlu

… Petitioner

and

The Superintendent of Police, Prakasam
District at Ongole and others

… Respondents

HON'BLE SRI JUSTICE D.S.R. VARMA
AND
HON'BLE SRI JUSTICE D. APPA RAO

W.P.NO. 13781 OF 2007

ORAL ORDER: (per DAR.J.)

This is a writ of Habeas Corpus for production of Bathula Thirupathaiah, son of the petitioner. It was alleged that the respondents 4 to 7 had kidnapped his son and in spite of a complaint, the police did not register it nor taking action.

The 3rd respondent-SHO, Kanigiri, Prakasam District filed counter stating that no complaint, whatsoever, was lodged by the petitioner. In fact, on enquiry, they could know that the alleged detenu had married one Kumari Chalamcharla Polamma, D/o Nagendra, resident of Kanigiri and now residing along with his wife at Boggulagondi colony, Kanigiri. Along with the counter affidavit, marriage photographs and a certificate issued by the Mandal Executive Magistrate-cum-Mandal Revenue Officer, Kanigiri are also enclosed. The contents of the certificate are to the effect that the alleged detenu married Polamma on 18.5.2007 and both of them are living happily in a rented house in Boggulagondi colony, Kanigiri and eking out livelihood by way of masonry work.

In fact, the very detenu gave a statement that he was not kidnapped at all, but went on his own accord. This fact is made part of the record. In view of the same, we do not see any merits in the writ petition.

The writ petition is accordingly dismissed. No costs.

D.S.R. VARMA, J

D. APPA RAO, J

Date: 27.7.2007

cvm